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March 27, 2007

Marlene Dortch Secretary, Federal Communications Commission 445 12<sup>th</sup> Street SW Washington, D.C. 20554

Rc: Ex Porte Filing, Schools and Lihruries Universal Service Support Mechanism, CC Docket No. 02-6, Notice of Proposed Rulemaking and Order, 17 FCC Rcd 1912 (2002) ("Schools and Libraries NPRM").

Dear Ms. Dortch:

Please accept the attached two letters trom Mr. John L Turkal as an *ex parte* tiling in the referenced proceeding. Mr. Turkal asked mc to submit them lor him.

Thank you

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Telecommunications Access Policy Division

Wireline Competition Bureau

Federal Communications Commission

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## John L. Turkal 15085 Cross Creek Road

Bowling Green, Ohio 43402 419.823.3131 johntlrrlal@pte.net And the second s

Nov. 20,2002

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Mr. Michael K Powell

Chairman
Federal Communications Commission
445 12<sup>th</sup> street SW

Washington, D. C., 20554

Dear Chairman Powell;

This correspondence is being Written to you on the behalf of the *Otsego* School District, located in Tontogany, Ohio. The subject concerns the methodology in awarding the <u>Rural</u> versus <u>Urban</u> designation, outside of New England, to school districts receiving discounts under the Telecommunications Act of 1996. This is due to the assistance of Ms. Barbara Baker, Senior District Representative of Congressman Paul Gillmor and Mr. Greg Lipscomb an attorney in your Office of Plans and Policy.

Otsego School District is located in three northwestern Ohio counties, Wood, Henry and Lucas counties. Although it is primarily in Wood County, it was originally created with Providence Township located in western Lucas County and eastern portions of Henry County adjacent to Grand Rapids, Ohio. These were and remain agricultural areas. The district is 145 square miles and has four communities in it. Weston is the largest with 1,800 residents, Grand Rapids has 1,006 residents, while Haskins has approximately 750 and Tontogany 350 residents. In each of these communities the largest employer is the local school and provides the largest portion, 17 percent in Grand Rapids, of each communities operating budget. We are primarily an agricultural and small town community in which the local consolidated school and it's various school programs bind the towns together as a community. Similarly sized areas in New England who receive special consideration and mal designations are located near several cities of 50,000 residents or more.

In reviewing the documents provided to me it is not difficult to understand how the district was classified Urban under the act, even though we are not. It was, however, surprising to learn that an appeal process was not adopted during the original implementation of the act. The fact that New England received special consideration how the designation of rural was applied, does not surprise me, having traveled extensively in that area. What does concern me is that in the areas outside of New England with the identical situation received no consideration and no process exists to remedy this problem.

Why do we feel we are rural? The following items are just a few that I will present to give you a feel for our area.

- 1. As previously stated, that area around Providence, Rhode Island and north to the Mass. State Line would be encapassed within our school district, The population density between the two is dramatically dissimilar. Otsego School District has 9,010 residents which extrapolates into 62 residents per square mile, or 24 households per square mile. This is hardly a compact Urban community. Politically we are Republican as most agricultural/small communities are. When informed they are an urban system, most residents are amused and simply shake their heads at the Washington bureaucracy.
- We have one *grocery* store, you would categorize it as a **IGA** type grocery store in Grand Rapids. Residents in our communities generally shop in Bowling Green, Waterville, Defiance and Findlay, Ohio.
- 3. Those residents who do not farm or work at farm related suppliers, drive considerable distances to work either in Toledo, Findlay, Napoleon, Bowling Green or the other communities mentioned above. Each local community has grain elevators, gas station /carry outs and restaurants' taverns. The largest employer in our district is Sun Seeds located near Tontogany. Grand Rapids due to it's history as a river community and proximity to Mary Jane Thurston State Park, has a viable tourist orientated business district.
- 4. Although we have an affluent commuter community in our northern area, the vast majority are dependant on agriculture or employment in the surrounding communities. This is best demonstrated by reviewing our Block 4 Worksheet A, which graphically shows as you go deeper into our district that the economic affluence of our people diminishes. Mobile home courts house many households as their primary residence. As previously mentioned, the local elementary/ middle school/ high school is the largest employer in all of our four communities. In fact, this contributed to a recent defeat of a bond levy to replace 90 year old structures and to construct a centralize school campus. The loss of income tax revenues from their local school would devastate these towns. The state of Ohio would have provided matching funds and Governor Taft personally wrote a letter to our residents to support the Bond issue. Times are hard in RURAL Ohio.
- 5. Population is generally decreasing in our part of Ohio. Recent redistricting of our Congressional District actually now includes all our school district If you check with Congressman Gillmor's staff I believe we don't have one city over 50,000 in the 5" district, which stretches from the Indiana border to the Amish Country south of Cleveland.
- 6 Metropolitan Toledo includes Lucas, Wood and Fulton Counties for the Dept of Labor statistics. This is really the crux of the problem as it fits comfortably into the Goldsmith formula used by your agency. A broad brush was used to implement the various programs in areas outside of New England. If the criteria of a major city in excess of 50,000 in a county is used, then due to a previous decision by the state of Ohio, a rural township of Lucas county prevents us from receiving the Rural designation. However the designation of Urban for all of Wood County shows a lack

of appreciation for the social-economic dynamics of rural north west Ohio. Wood County has no city of a population of 50,000 which is the criteria cited for Urban.

7. It was only in the past year that residents of the Tontogany-Haskins area could have local access to Toledo. This was through an additional charge by GTE/Verizon. This does not include the suburban community of Maurice which is closer to our district and has St. Luke's Hospital, physician and medical offices, which is the primary EMT response center for our northern area in lieu of Bowling Green's Wood County Hospital. Maurice also contains the large grain elevator firms whom our farm families deal with and purchase supplies through. This additional charge, in lieu of long distance charges, applies to all residents, schools and small businesses.

GTE/Verizon had to know that access to Toledo meant access to these medical facilities and international grain terminals to residents of our area. This does not conform with the spirit of the ACT when the Urban definition is applied. Rather it reflects the criteria for Rural in that the surcharge is charged to the school district, rural health providers and qualified residents for Universal Service as covered under the ACT.

I fully appreciate the current problem facing your agency. With a new census, and no one apparently available to implement a modification of the Goldsmith formula, a readjustment of the formula is not readily available. Due to my experience in the military and chemical engineering fields, I fully appreciate the mental gymnastics required to develop a formula using statistical data to cover this field. It, however, does not exonerate your agency from not having a viable appellate system to address problems such as ours.

I would, therefore, **ask** that your office look into our situation and designate Otsego School District as a rural school district and eligible to receive the upgraded discount of 60 percent.

I wish to take this time to thank you for your consideration, both for the Otsego **Cost** Containment Committee and myself We would be happy to escort you or your representative around our district if the opportunity ever presents itself.

Respectfully yours,

John L. Turkal Otsego **Cost** Containment Committee

Enclosures: 2
cc: J.Long
Congressman Gilmor
G. Lipscomb 
Otsego Cost Containment Com.

From: John L Turkal

**To:** Joe L Long, Jeff Rokicki Date: 11/21/02 1 25PM

Subject: FCC Chairman Michael K Powell- Telecommunications Act Methodology

Written copy send to your office- this is a backup

John L. Turkal

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Bowling Green. Ohio 43402

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CC: Paul Gillmor, Greg Lipscomb, Turkal. Paul